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09/927,252	08/10/2001	William R. Stafford	42390P6468C	5547

7590

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EXAMINER

SONG, JASMINE

ART UNIT

PAPER NUMBER

2188

DATE MAILED: 05/05/2004

25

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/927,252

Applicant(s)

STAFFORD, WILLIAM R. 

Examiner

Jasmine Song

Art Unit

2188

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 19-24 and 26-38.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: The Examiner maintains the position that the presently claims would be rejectable on the same grounds provided in the final rejection mailed on 03/24/2004. Response to the applicant's arguments "The programming of Module 14 and the BIS Circuitry of Module 14 of Cloud are not programming and test interfaces, the Examiner notices that interface can be software that enables a program to work with the user (Microsoft press Computer dictionary, third edition), for example, the programming of the I/O select circuit 55 which considered as programming interface, also, interface can be a card, plug, or other device that connects pieces of hardware with the computer so that information can be moved from place to place (Microsoft Press Computer Dictior, third edition), for example, BIST circuit 77 which considered as test interface. Therefore, Broadly written claims "test interface and programing interface" are disclosed by the reference cited (Cloud). Response to applicant's argument "the teachings of Trembly cannot be combined with Cloud", the Examiner notices that this argument has been addressed in previous final rejection dated on 03/24/2004 (#9 of the final rejection. In response to applicant's arguments that impermissible Broadening of Cloud teaching, the Examiner notices this argument also has been addressed in previous final rejection dated on 03/24/2004 (#10). In addition, Yamada's reference is only the backup reference which support the rejection of claim 38, therefore, the final rejection can be made and do not need to be withdrawn. Response to applicant's argument that no motivation to combine yamada, or any flash memory teaching with Cloud, please refer back to the final rejection of claim 38 (paper #23), the motivation of using SDRAM can be different than the motivatin of using flash memory.



GARY PORTKA  
PRIMARY EXAMINER

JS  
4/29/04